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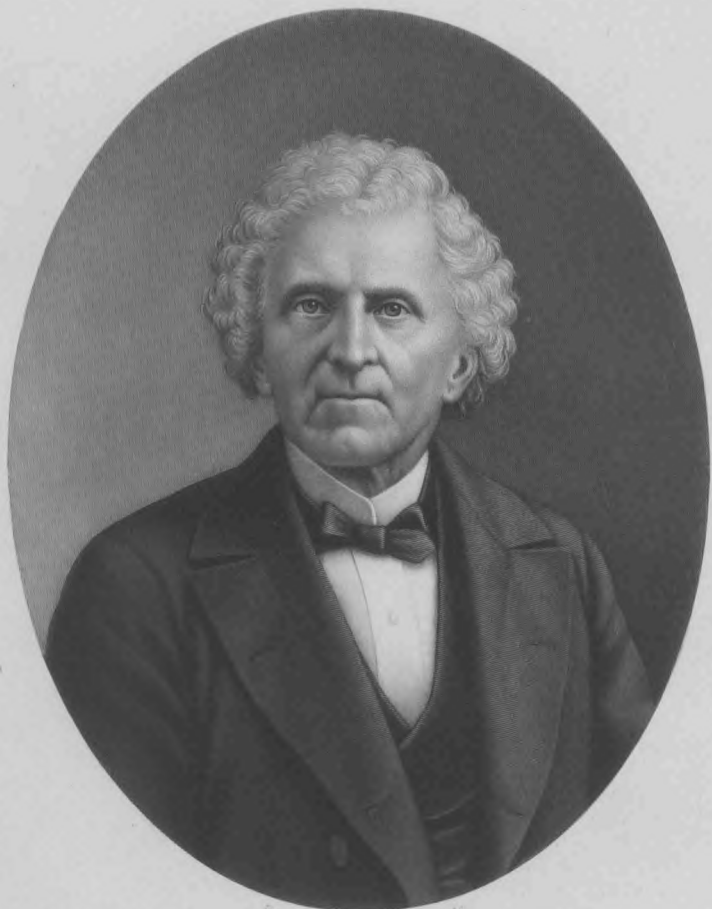
OF

HENRY R. MYGATT,

OXFORD, CHENANGO CO., N. Y.

by
Wm. St. John

1880.



Engraved by Samuel Sartain Phil^a

Henry R. Mygatt

HENRY R. MYGATT.

THE steady and persistent devotion of the best efforts and energies of any man, during nearly a half century, to the attainment of excellence in any high and honorable calling, unswayed by everything which stands in the way of his purpose, is, of itself, a sure passport to public respect and admiration. But when, in addition to this, he makes his own success and gains the means of constant and continued benefactions to others, and scatters the pathway of his life with deeds of kind and thoughtful generosity, the record of his life is a public heritage, his name a legacy to those who shall follow him.

The career of Henry R. Mygatt furnishes a worthy example of this kind. He was born in the village

of Oxford, in the county of Chenango on the 10th day of April, 1810. His father, Henry Mygatt, came from New Milford, Conn., and was well and favorably known as a prominent merchant at Oxford, in the years that followed its settlement. His mother, whose maiden name was Sarah Stephens Washburn, died while the subject of this sketch was quite young. Mr. Mygatt was prepared for college at Oxford Academy, when it was in the charge of David Prentice, a successful and popular teacher of youth, and in after years more widely known for his scholarly attainments as a professor in one of the colleges of this State. Of those who were schoolmates of Mr. Mygatt at the Academy were Horatio Seymour, Ward Hunt, John W. Allen, Henry W. Rogers, Joseph G. Masten, John Clapp, and others who like them have left their impress upon their age, and some of whom have given their names to history. Mr. Mygatt entered Hamilton College in 1826, remained there two years, when he went to Union and was graduated in 1830, in a class including the names of Henry S. Randall, Benjamin F. Rexford, George D. Beers, and Robert C. Livingston. It was during his stay at Union, and about the

*See Orcutt's
New Milford
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year 1830, that he made a note in his memoranda of current events, of the ceremony of removing the first shovelful of earth for the Albany & Schenectady railroad, one of the first ever built on this Continent.

After graduation, Mr. Mygatt began the study of law in the office of James Clapp, in Oxford, whose name for years was a synonym for strength, integrity and ability in his profession. In that office, thorough scholarship, exhaustive research, exact knowledge and a high sense of professional honor were inculcated by precept and practice, as the essentials for merited success at the bar. Mr. Clapp also had a broad culture and general knowledge of men and books, combined with rare felicity of expression and charm of conversation, which inspired his students with the ambition to attain to something higher than the mere routine and technicalities of their profession, and least of all to content themselves with the arts and devices of the pettifogger. It is a circumstance of marked significance in weighing the legal merits and acquirements of Mr. Mygatt that his tutor ever held for him the highest esteem and confidence, and that too during many

years in which they were often brought together in intimate social and professional relations, and associated in cases of great importance requiring close investigation and deep research. He was admitted an Attorney and Counsellor in the Supreme Court at Albany, in 1833, and returned to his native village, where he entered upon and continued the practice of the law during more than forty years, and until weakness and exhaustion compelled him to withdraw from the active duties of a professional career of distinguished usefulness and honor. That career began when James Clapp and Henry Van Der Lyn were in the full tide of success, in his native village, and found him at its close almost alone of the men who had entered the lists with him, at the Chenango county bar, but receiving still the same consideration and respect from the younger members of the profession at the close of his career, which was awarded him by his elders in the early years of his practice.

He was married Dec. 2, 1835, to Esther Maria, daughter of John Tracy, formerly Lieutenant-Governor of the State. She, with two sons, John T. Mygatt of New York, William R. Mygatt, a lawyer at Oxford,

and one daughter Mai Mygatt, survives him. It is not the purpose of this sketch to recount the professional triumphs of its subject, but two only may be fitly cited as showing his exact and close study of adjudicated cases bearing upon a particular principle, and his persistence even under defeat until he had reached the court of final resort, so long as he could see that he was right with the authorities. The one, proving his indomitable perseverance and tenacity for the right, was the case of the Chenango Bridge Company against the Binghamton Bridge Company, in which upon appeal to the Supreme Court of the United States after defeat in the trial and General Terms of the Supreme Court and the Court of Appeals of this State, he obtained in that highest tribunal of the nation a reversal of the decision of all the State courts, and maintained the inviolability of a legislative franchise as a contract. The other was an action in equity, which resulted in a decree in his favor declaring a will which was a cloud upon title, void for incapacity of the testator, and that too, after it had been proved and of record for more than a quarter of a century.

But we prefer to leave the question of his acquirements and merits as a lawyer to the spoken or written authority of those who were associated or opposed to him at the bar, to the public press of the State, and to the judges of our highest courts, before whom he appeared at trial or for argument.

One writes, who was a schoolmate, of the same profession and a life-long friend:—

“His success was due to honest, hard work, to an energy that never tired, a tenacity of purpose which never yielded except to the mandate of a court of last resort, combined with integrity never even tainted with suspicion.”

One of his profession and a neighbor, said of him at a meeting of the Bar in his native county called to tell their regret for his loss and express their sense of his noble career:—

“I entered Mr. Mygatt’s office as a student-at-law in October, 1841, and remaining in his office from that time until April, 1846, I became very conversant with the habits and characteristics of the man, and I assure you that no man, probably, ever labored harder, more hours, more unceasingly to make himself perfect in his profession, and to make himself what subsequent events proved him to be, one of the

ablest lawyers in the State of New York. The extent and variety of his work has been simply enormous, and it shows what a man may attain by perseverance, labor, by devotion to his object, and a love of the profession, which he regarded as the highest that man can pursue, save one."

Said another, a Judge of the Supreme Court, before whom he often appeared during many years:—

"His virtues, his integrity, his goodness, his usefulness, his benevolence and example as a citizen as well as a lawyer, will long be remembered, and should be emulated by all lawyers who desire the esteem and welfare of the people among whom they live."

One, his junior in the profession, a townsman, spoke thus kindly of him:—

"Our loved and honored friend was rich in nature's best endowments, but it seems to me he was richer far in acquired forces, which come of ripe scholarship, a life of patient labor, well directed efforts, and the constant adherence to right, and the practice of everything becoming an honest man, the noblest work of God."

And again a former judge, and who knew him well, spoke these words of tender regret:—

"I feel that the profession has lost one of its brightest ornaments, and the community one of the

noblest of men. Never, in my experience, have I known a lawyer who was as devoted to the interests of his client, or who would make so many sacrifices that justice might be done to his client, as Mr. Mygatt."

A Judge of the Supreme Court for many years, and afterwards of the Commission of Appeals, who presided at the meeting of the Bar in Chenango county, called after his death, said of Mr. Mygatt:—

"I cannot permit myself to remain entirely silent and be simply a listener to these proceedings. I have known Mr. Mygatt for more than thirty years. When he first appeared before me as a member of the Bar, there was one thing that I particularly noticed, and which proved true of him at all times, that the case upon his part was exhausted both upon the argument and authority. And very often this fact forced upon the Court a more careful examination of the other side of the case, and the result was that the cases in which he appeared as counsel were sometimes more carefully considered, fearing that injustice might be done his opponent."

The Broome County Bar Association adopted and published a minute, stating their estimate of his career as a lawyer in these words:—

"*Resolved*, That in our deceased brother, there existed that admirable union of great knowledge, untir-

ing perseverance, fidelity, integrity and devotion to truth and honor, combined with great urbanity, which form a character worthy of imitation, and a model which all entering upon the study and practice of the profession may adopt for their own and the public good."

The press in his own county, and in other counties and cities of the State as well, added its tribute to his worth. It is, however, needless to further extend the testimonials of Mr. Mygatt's standing in his chosen profession. He took pleasure in the research which it required, and thought it, as Edmund Burke well said:—

"One of the first and noblest of human sciences; a science which does more to quicken and invigorate the understanding than all the other kinds of learning put together."

Hobart College, Geneva, conferred upon Mr. Mygatt in 1876 the honorary degree of Doctor of Laws.

In the large sphere of equity jurisdiction he found greater pleasure and won deserved success. Whatever the result of the litigation might be, his client never doubted that he had devoted to him his best services, and his antagonist, whether in defeat or victory, retired from the contest with a higher sense of his courtesy, his fairness and his honor. In ready perception of analogies and exact application and

knowledge of adjudicated cases bearing upon a particular point, or establishing a given principle, he had no superior.

It is enough that commencing and continuing in a quiet and then secluded village, with no advantages gained from that fame which political honors and official position confer, he won, as a private citizen only, by honest, hard work, persevering study, deep research and skillful and honorable practice, a pre-eminent place in his profession not only in his own county, but in the State at large. Success and honor thus won are not accidents, they come of an abiding purpose, and therefore is it that they are the more valuable as examples for those who are struggling for excellence, not only in the professions, but in any worthy business or calling. And such an example is most valuable in these latter days, when the temptation to tread forbidden paths and to use, to say the least, doubtful expedients in the headlong scramble for riches and honors, has left so many human wrecks along the pathway of the generation. Instances there are of transcendent talents and large endowments, which have given their possessors too often a short-lived fame

only to be buried in disgrace, or clouded with dishonor.

But the fact remains that the firm purpose, quiet perseverance and faithful pursuit of any worthy calling will in the end bring the only enduring reward, the only abiding honor. And it is this, which gives value to the example of Henry R. Mygatt. His pathway to success is clear and open as the day, the honors and rewards which he reached were honestly won and justly merited; they admit of no doubtful interpretation nor require any secret explanation.

The possibility, nor only so, the certainty of attaining to excellence in any honorable calling or profession is open to all upon the same conditions. There are not a few in the county where he lived, within whom are enfolded, as the oak in the acorn, the undeveloped germs of the same success upon like conditions. As certain as the sun and the rain will from the acorn bring to its majestic proportions the oak, so certain will the firm purpose, the steady and persistent march in the way of a high and noble intent, lead to the goal of excellence at last. If this sketch shall find lodgment in the breast of any, struggling upward

and onward in the way of a high and noble purpose, and his heart shall take new courage and his sinews gather fresh strength for the life-battle, it will not prove to be without a benefit. But it is often charged to biography that it is partial, and can see only virtues in its subject. Admitted that the subject of this sketch had infirmities and weaknesses common to human nature, the example does not fail, for he kept onward and reached his reward despite them all. It is with his completed life and its results as a whole, that we have to do, and that life was a success.

One, a neighbor, well said of him :—

“It may not, cannot be presumption for me to say that if we copy the example of our departed friend and brother, we shall not go far astray; if we follow in his footsteps we shall not widely err.”

It was less than two years before his death that Mr. Mygatt fully yielded to the weakness and disease which finally ended his life. Those even who knew him best, can only faintly realize the struggle only less than that with the last enemy, which enforced retirement from his life-work so well and justly done, must have cost him.

His last presence in court in his own county was

well told in the words which follow, at a meeting of the Bar, by his junior who had often striven and been joined with him in important trials :—

“We were in court at one of our regular sessions about two years ago. Our departed friend had been sick, but with improved health and strength, he came in as of old. A cause in which he felt a deep interest came on for trial. It had been tried once and was returned for a re-trial. The trial was hardly commenced, when at some remark of his adversary, he raised an objection with evident feeling, and for a moment discussed the point thus raised. It was more than his weakened strength could bear, and no one saw this fact more clearly than himself. He asked a friend to take his place at the trial, and that proceeded as if nothing had occurred ; but he, leisurely picking up his papers and putting on his wraps, with one glove on, and his hat and remaining glove in his hand, went to and shook hands with each member of the Bar present ; in like manner he greeted the sheriff, the clerk, the crier and the judge ; saying to each as he held the proffered hand, ‘good-by, sir, good-by,’ and calmly and quietly walked out. He said not a word that it was his last there, that is, not in words ; but the manner told us that he was going forth never to come in again, and that he was as conscious of this fact as any of us.

"That good-by, sir, and that clasp of the hand, we shall never lose from memory. There was no expression of sorrow, no expression of regret, no repining. He went forth as one who through two score of years of labor there had filled his mission to the full."

Mr. Mygatt always preserved a lively interest in matters of public concern, and kept up with political affairs in the State and nation.

But he never entered the arena of politics, much less was he a political place-seeker. There seemed inherent in his very nature, a distaste reaching almost an abhorrence of the practices of politicians, and of the ways of politics. And yet he was ready to aid those whom he thought worthy and who desired promotion. There were times when friends who knew his eminent qualifications, and especially for judicial station, urged him to yield to their wishes, and a seat upon the bench of our highest Court required only his consent. But he always valued the rewards, honors and usefulness to be derived from steady adherence to his profession above all that political office and public place could bestow. But we have no right to leave the character and career of Henry R. Mygatt to

be measured only by his merits, great as they were, in his chosen profession. Stretching above and beyond the round of his daily toil, is the better and nobler life of the man, which included and supplemented all his professional labors and successes. Indeed the life of the lawyer, and the broader and higher mission of his manhood, seemed to act and re-act on each other. His enthusiasm seemed to get new strength, and his energies to quicken for his work, that he might the better serve the nobler impulses and fulfill the higher behests of the man and of the citizen. To those who day by day witnessed his constant and exhausting labors, the surprise was not so great that he accomplished so much, but rather that the slight form and delicate organism could sustain the steady and continued strain to which they were subjected. He seemed to measure time not so much by the common standards, as by heart-throbs, not so much by minutes as by pulsations, and his life became to those who could read it best, poetry put into action, to teach them

"Life's more than breath, and the quick round of blood;
It is a great spirit and a busy heart."

The friends of his youth from afar, his brethren of

the same calling, and Judges crowned with years and with wisdom, who came to his burial, had a better purpose than honor for the mere lawyer. Rather were they impelled by that higher tribute which their better nature accorded to that respect for authority, that courtesy for all, that helpfulness for the weak and the struggling, that hand outstretched to the poor and oppressed, that heart open to melting charity, that completed mission of manhood so well and faithfully fulfilled.

Promptness in meeting appointments, and system in his business, entered largely into the success of Henry R. Mygatt. His failure to meet an engagement was the result of inevitable necessity, and such was the care bestowed in the preparation of his cases, that he avoided those surprises which so often embarrass and delay, if they do not prevent, success. And the same system and promptness which made his professional career a success, were conspicuous in the bestowal of his benefactions. For a series of years before his death his gifts and charities were constant and unremitted, and represented a large part of his income. The village in which he lived felt the whole-

some and strengthening influence of his munificence, in whatever concerned its true welfare and progress. For forty years, during most of which he was a Trustee, and during many its President, his gifts to Oxford Academy were constant and munificent. Nor only so, during a part of those years he put at its disposal a fund to supply free tuition to poor and worthy students, struggling more vainly for their daily bread than for the bread of knowledge, the objects of his bounty being unknown to him.

There are those yet alive who will associate the name of Henry R. Mygatt with the Jubilee of Oxford Academy, in August, 1854. It was an event which gathered back, after sixty years from its foundation, the representatives from 1794 of the classes that in succession had gone out from that institution; and to Mr. Mygatt's efforts and liberality the happy result was greatly due. The words of graceful and cordial welcome with which, as President of the Board of Trustees, he greeted that remarkable assemblage, is a part of the published record of that anniversary. Of those whose addresses gave an unwonted fascination to the banquet spread on that occasion, Henry W. Rogers alone remains.

Among the rest, who with Mr. Mygatt are lost to mortal sight, were Merritt G. McKoon who through long years of service saw more students go out from its halls than any other of its principals, Charles Mason the pure and learned jurist, Judge Henry Stephens who first knew Oxford in 1802, and was of the class of 1807 in the Academy, Edward Tompkins the silver tongued, who lent to the occasion the charm of his fertile fancy and the sparkle of his wit, Edward Andrews, a former teacher, rich with the husbandry of souls, the earnest and able preacher of the Gospel of his Master, Daniel H. March, a former teacher, then the accomplished and upright lawyer, and who after twenty-seven years had come back to meet his school-mates of the class of 1821, and Daniel S. Dickinson, even then known to the nation, in the full strength of his noble manhood.

But great as were Mr. Mygatt's benefactions for the benefit and advancement of the village and community where he lived, they were not limited by them. He was not forgetful of educational and religious establishments in his own State and in remote sections of the country, and the Missionary of the Cross, battling

in new and distant territories with vice and irreligion, felt his burden grow lighter, and his heart stronger, for his bounty.* A young and lion-hearted Missionary *Bp. Lush*, Bishop of the Protestant Episcopal Church, wrote to him not long before his death, from across the Continent, these words of grateful benediction:—

“You have been too kind, and loving, and steadfast and unselfishly helpful a friend to me, for me to forget you. My heart has higher aims for that I have known you. My hopes are to know you better and to be with you more in the great hereafter.”

And then supplementing all these larger benefactions, he scattered along the pathway of his daily life bright deeds, tender courtesies and thoughtful charities.

“That best portion of a good man’s life
His little, nameless, unremembered acts
Of kindness and of love.”

Mr. Mygatt was attached to the faith and worship of the Protestant Episcopal church, but he took a kindly interest in all that concerned the progress of true Christianity under whatever name, and his principles and practice were free alike from irreligion and intolerance. He died on the 31st of March, 1875. Some have not forgotten that morning of the early

spring, when it was first told that he was dead. It was a morning glad with bird-songs and radiant with sunlight, fit counterpart of the active, bright life just then closed. That life went out only a stone's throw from where it was taken up; the circle of its orbit seemed not so very wide, it compassed no wide sea nor spanned remote continents, yet it stretched away into a horizon reflecting back the serene light of kind and generous deeds. That other day came when judges and lawyers and friends of his youth from afar, tenderly bore his pall to the church, where the beautiful Episcopal burial service was said over his remains. His well-known wish that no other words should be spoken, was reluctantly but religiously kept. But the organ would somehow repeat his name, and the stones that stood up in buttress and column and tower over his sleeping clay, found voices to tell of his benefactions. And then the long procession went with his ashes by homes each with its badge of sorrow, to the little City of the Dead, upon the hill-side. There, at the open grave, while tears gathered in regretful eyes and the blending voices of school and church bells, from the village,

told of their common sorrow, it seemed passing strange that so many will leave their names only to be cut in pale, cold marble, when they might write them on the tablets of living, loving, human hearts.